

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:11-MJ-1182-JG-1

UNITED STATES OF AMERICA,)
)
)
v.) **ORDER STAYING RELEASE AND**
) **REOPENING DETENTION**
) **HEARING**
DANIEL HERNANDEZ SANCHEZ,)
)
)
Defendant.)

This case comes before the court on the government's motion (D.E. 11) to stay release of defendant pending its filing of a motion, pursuant to 18 U.S.C. § 3145(a), for review of the Order Setting Conditions of Release ("Release Order") (D.E. 8) entered by the undersigned at the conclusion of the detention hearing in this case on 10 March 2011. The government further requests that defendant be returned to the Eastern District of North Carolina and to the custody of the United States Marshal until the court can consider a motion by the government to reconsider the Release Order. Also before the court is the government's motion (D.E. 17) to revoke the undersigned's order releasing the defendant from custody pursuant to 18 U.S.C. § 3145(a)(1), or in the alternative, to reopen the hearing pursuant to 18 U.S.C. § 3142(f). The motions have been referred to the undersigned.

Upon review of the government's motion to reopen the detention hearing, the court finds that the government has shown that there is new information materially bearing on the issue of detention that warrants reopening of the detention hearing pursuant to 18 U.S.C. § 3142(f). IT IS THEREFORE ORDERED as follows:

1. The government's motion (D.E. 11) to stay release of defendant is GRANTED.
2. United States Immigration and Customs Enforcement is ORDERED to return

defendant to the Eastern District of North Carolina and to the custody of the U.S. Marshal for the Eastern District of North Carolina. Defendant shall remain in custody pending the reopened detention hearing provided for herein.

3. The government's motion (D.E. 17) to reopen the detention hearing in this case is GRANTED.

4. The court shall conduct the reopened detention hearing on Thursday, 24 March 2011, at 1:30 p.m. in the Sixth Floor Courtroom at the Terry Sanford Federal Building in Raleigh, North Carolina.

5. Defendant shall file his response to the government's motion to reopen the detention hearing no later than 5:00 p.m. on Wednesday, 23 March 2011. He shall file with this response copies of any filings by defendant or on his behalf regarding his citizenship and/or residency status in the United States.

6. Except as provided herein, the relief sought by the government in its motions is DENIED.

SO ORDERED, this 18th day of March 2011.



James E. Gates
United States Magistrate Judge